

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America LLC.

Plaintiff,

V.

TAMANA HOLDINGS, LTD.,

Defendant

This Court having previously entered an Order of Default against Defendant Tamana Holdings, Ltd. (Ct. Rec. 13), and having reviewed the previously filed Memorandum of Authorities (Ct. Rec. 11), and the Affidavits of Curtis Frye and Daniel J. Gibbons in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

DEFAULT JUDGMENT- 1

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff,
2 Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS
3 America, LLC, shall have a judgment against the Defendant Tamana Holdings, Ltd., as
4 follows:

5 1. Monetary Judgment in the amount of CAD \$601,562.51, pursuant to 11
6 U.S.C. § 550 and RCW 19.40.071;

7 2. Transfers in the amount of CAD \$541,312.51 made to the Defendant
8 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff
9 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,
10 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

11 3. Transfers in the amount of CAD \$60,250.00 made to the Defendant
12 more than four years prior to the Petition Filing Date should be avoided and
13 Plaintiff should be authorized to take all necessary action to preserve the same,
14 pursuant to 11 U.S.C. §§ 544, 550 and 551 and RCW 19.40.041(1) and 19.40.071;

15 4. All said transfers to Defendant Tamana Holdings, Ltd. are hereby set
16 aside and Plaintiff shall be entitled to recover the same, or the value thereof, from
17 Defendant Tamana Holdings, Ltd. for the benefit of the estate of LLS America,
18 pursuant to 11 U.S.C. §§ 544, 550 and 551;

19 5. All proofs of claim of the Defendant which have been filed or
20 brought or which may hereafter be filed or brought by, on behalf of, or for the
21 benefit of Defendant Tamana Holdings, Ltd. or its affiliated entities, against the
22 Debtor's estate, in this bankruptcy or related bankruptcy proceedings, are hereby
23 disallowed and subordinated to the monetary judgment granted herein and
24

1 Defendant Tamana Holdings, Ltd. shall not be entitled to collect on its proof of
2 claim (Claim No. 748-1) until the monetary judgment is satisfied by Defendant
3 Tmana Holdings, Ltd. in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and
4 105(a);
5

6 5. A constructive trust is hereby established over the proceeds of all
7 transfers in favor of the Trustee for the benefit of the estate of LLS America; and
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9 6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of
10 \$250.00 USD, for a total judgment of CAD \$601,562.51, plus \$250 USD, which
11 shall bear interest equal to the weekly average of one-year constant maturity
12 (nominal) treasury yield as published by the Federal Reserve System.
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14 The District Court Clerk is directed to enter this Order, enter Judgment
15 accordingly, provide copies to counsel and pro se Defendant, and close this case.
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17 **DATED** this 20th day of August 2013.
18

19 s/ Rosanna Malouf Peterson
20 ROSANNA MALOUF PETERSON
21 Chief United States District Court Judge
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